

REMARKS

Examiner Interview

Applicant's representative gratefully acknowledges the interview with the Examiner on May 5, 2005. While agreement was not reached with respect to the pending claims, it is believed that the interview materially advanced prosecution of the application.

The Claims

Claims 37, 39-52 and 54-69 are currently pending in the application.

During the above-mentioned interview, the Examiner and Applicant agreed that Claims 37, 39-42, 44, 47, 50-52, 54, 55, 57, 59 and 62-64 would be amended to recite a binding fragment of an antibody and that Claims 37, 52, 68 and 69 would be amended to recite "an osteoprotegerin binding protein of SEQ ID NO:39".

Applicant has also amended Claims 48 and 65 to delete reference to "(BMP-1 to BMP-12)" and "(FGF-1 to FGF-10)" and to recite "a parathyroid hormone". Claims 49 and 66 have been amended to recite "a bone disease (or condition) selected from osteoporosis...".

The claim amendments presented herein do not introduce new matter or raise new issues requiring further consideration and/or search. Applicant respectfully requests entry of the amendments.

Supplementary Information Disclosure Statement

Applicant submits herewith a Supplementary Information Disclosure Statement and PTO Form 1449 setting forth references which Applicant wishes to have considered and made of record in the present case.

Rejections of Claims 37, 39-52 and 54-69

Applicant gratefully acknowledges that the Examiner has indicated his intention to withdraw the rejections of Claims 37, 39-52 and 54-69 under obviousness-type double patenting, 35 U.S.C. 112, first paragraph, written description, and 35 U.S.C. 112, enablement.

Rejection of Claims 43 and 58

Applicant gratefully acknowledges that the Examiner has indicated his intention to withdraw the rejection of Claims 43 and 58 under 35 U.S.C. 112, first paragraph, written description, in view of publications available before Applicant's priority date which disclose transgenic mice capable of producing human antibodies. Attached hereto as Exhibits A and B respectively are Jakobovits, Curr. Opin. Biotech. 6, 561-566 (1995) and Lonberg et al. Intern. Rev. Immunol. 13, 65-93 (1995), both of which disclose such transgenic mice prior to Applicant's priority date.

CONCLUSION

Claims 37, 39-52 and 54-69 are in condition for allowance and an early notice thereof is solicited.

A three-month extension of time was submitted in Applicant's response dated April 12, 2005. No fees are believed due, however, the Commissioner is hereby authorized to charge any additional fees, which may be required by the accompanying papers, or credit any overpayment to Deposit Account No. 01-0519.

Respectfully submitted,



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